

**Before the
Federal Communications Commission
Washington, D. C. 20554**

In the Matter of

RM-10995

National Translator
Association

For Amendment of Part 74 of the
Commission's Rules to Provide
For Displacement relief
For FM Translator Stations

To: The Commission

COMMENTS OF CHRIS KIDD

The comments submitted herein are from Chris Kidd a broadcaster of many years and a past Commission licensee. Mr. Kidd does not own any broadcast properties at present, however he has pending long and short form FM Translator applications as President of Eastern Sierra Broadcasting (hereinafter referred to as ESB).

Some of the FM Translator applications of ESB have already been displaced by minor change applications of full-service FM Stations. The only option now is to consider 3-channels up or down and the IF channels. However in most cases those channels are already taken.

There are also existing situations between full-service FM Stations where one station is operating on a first adjacent channel within its 60-dbu contour. In the past it has been very difficult to obtain cooperation between competing FM stations where a move or shutdown is required. If there is the ability to move anywhere within the FM dial, it becomes more difficult for the interfering FM Translator not to comply.

There are also other situations where the offending translator is just outside the 60-dbu contour of a full-service FM. In this case there is another channel on the FM dial that would be usable. In order to fuel cooperation between FM broadcasters, this FM Translator should be able to file a displacement application and cite the station that would benefit.

In many future cases there may not be any channel that would be available on the entire FM dial for the FM Translator to re-locate to. In this situation a new transmitter site would be required. Under the present change rules, the 60-dbu contours of the new site must intersect with the 60-dbu contour of the old site.

In most relocations this makes sense as a minor change, however there is one huge flaw that should be corrected in this proceeding. The minor change rules should be expanded to include any site relocation that would be mutually exclusive with the site that you are moving from. As an example there is not another channel that you may move to, yet there is a transmitter site located 20-miles away. At this site the 60-dbu contours do not intersect. However the sites are mutually exclusive with each other. This causes a 40-dbu interfering contour to the existing translator.

In other words the new FM Translator proposed move could not exist if the old one remained. Therefore “mutual exclusivity” should be included as a minor change definition for an FM Translator that is relocating.

There are many FM Translators (as well as FM Stations) that serve audiences beyond their protected contour. A higher transmitter site that meets all the rules may still serve a targeted area beyond its protected contour. Therefore if an FM Translator must relocate its transmitter site to stay on the air, mutual exclusivity with its existing site must also be considered a minor change under the new proposed displacement rules.

The Commission is currently in Phase Two of the FM Translator window. The first Singleton list from that window has been opened and closed and although many applicants have not received any permits it is expected that all the non-problem applications would be granted by the end of August 2004.

Phase Three of the FM Translator window is the announcement of the list of mutually exclusive FM Translator applications and the opening of an FCC authorized settlement window. This window will allow everything from financial to engineering settlements between applicants. Engineering settlements also includes channel changes that are defined as minor under the present rules.

Should the Commission enact this proposed rule change it would be in the public interest to allow it to apply to the FM Translator settlement window. In other words, as part of the settlement window, applicants should be allowed to displace to any FM channel to become a singleton and provide additional service to the public that would not otherwise be available for many years (the next FM Translator window).

During the last Low-Power FM settlement, Chairman Michael Powell had the brilliant idea of allowing LPFM to move to any channel on the dial to remove exclusivity and allow additional LPFM grants that would otherwise not occur. Chairman Powell showed the vision in this situation to realize that it will be a long time before the next LPFM window and that allowing a move to any FM Channel provides permits that would not otherwise be grantable for years.

We all share the same vision as Chairman Powell in regard to the next FM Translator filing window. It is so far away in the future that predictions are like picking a number on the roulette table. To allow FM Translator applicants to move to any channel in the settlement window would provide the public with additional service years before it could otherwise happen.

FM Translators are local and regional services. The Commission's goal of improving local broadcast service is fueled by applying rules or waving rules that allow the granting of new services sooner rather than sometime in the unknown distance future.

The foregoing comments if enacted will benefit many FM Translators applicants, permits, licensees and the general public with additional service and the retention of present service. Also as stated earlier in this document, full-service FM Broadcasters will greatly benefit with a better solution of eliminating interference.

Respectfully Submitted By:

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